



IN THE MATTER AND IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of Hearing of Submissions to
designations in the Proposed
Gore District Plan

Minute 21 of the Hearings Panel

**Designations
New Zealand Transport Agency**

27 September 2024

MINUTE OF THE HEARINGS PANEL

- 1 The hearing to consider designations included in the Proposed Gore District Plan by requiring authorities was held on 17 September 2024. A procedural issue has arisen with regard to various designations of the New Zealand Transport Agency (NZTA) and the purpose of this Minute is to seek clarification from NZTA as to how they wish to proceed.
- 2 Helen Dempster in a statement of evidence presented to the hearing on behalf of NZTA, at paragraphs 17 and 18, as set out below, referred to eight areas of land physically part of the state highway held in private ownership that NZTA sought to have included in the state highway designation.
 17. There are eight small areas of privately-owned land that exist within the operational road area. These areas are already part of the road environment and are maintained by NZTA as the road controlling authority for roading purposes. The current use of private properties will not be impacted as the proposed designation aligns with the existing operational road corridor. NZTA is not proposing any physical works and therefore there will not be any change in effects on the environment.
 18. The consideration of alternative sites, routes or methods is not necessary in respect of each of the eight areas as the use of the land in each case is associated with the state highway infrastructure and are already in existence. NZTA frequently seeks modifications to its designation boundaries as part of the Schedule 1 Clause 4 of the RMA designation rollover process. This is a consistent, and accepted, approach that has been undertaken throughout New Zealand in numerous other proposed district plan reviews.
- 3 Tina Carlson-McColl was the author of the Section 42A Report prepared for the hearing. She stated at paragraph 113 of her report:
 - 113 Although the area of designation extends over existing state highway infrastructure that is already formed and operational, where this is in private ownership, I consider that NZTA would need to consult with the affected landowner regarding the alteration, and potentially provide further information on consideration of alternatives.
- 4 The recommendation in the Section 42A Report read as follows:
 114. I recommend, for the reasons given above, that the NZTA designations be confirmed, providing that land not owned by NZTA is either removed, or confirmation is provided that the landowner agrees to the alteration sitting over their property.
- 5 The view of Tina Carlson-McColl was consistent with written legal submissions received from Shelley Chadwick, Counsel for Gore District Council, stating:
 - 27 In respect of these NZTA requirements, there is a minor mapping matter which may still require clarification for the mapped extent of the designation to be able to be finally confirmed. At this stage it is Council's view that the original mapping notified in the PDP will need to be retained, including because:
 - (a) The prospect that any designation sat over private land was not identified at the outset of the process, such that all assessments to date have assumed NZTA's ownership of the relevant land; and
 - (b) As a result of the above, notification to any directly affected landowners has not been undertaken by any party strictly in accordance with Clause 5(1)(b), First Schedule RMA.
- 6 Having regard to the legal advice received, and in the absence of any contrary legal submissions from NZTA, the Hearings Panel has concluded that it is unable to proceed with the consideration of the designation of this private land by NZTA, either

by way of a decision on the submission lodged by NZTA or by issuing a recommendation pursuant to Clause 9(1) of the First Schedule RMA.

- 7 Further discussion at the hearing indicated that NZTA could issue a new Notice of Requirement under RMA section 168 over the eight areas of private land with the Council adopting a limited notification process. Alternatively, NZTA could utilise the minor change procedure under section 181, although subparagraph 3(b) requires written notice of the proposed alteration to be given to every owner or occupier of the land directly affected and for those owners or occupiers agree with the alteration.
- 8 The Hearings Panel seeks advice from New Zealand Transport Agency as to how it now wishes to proceed.
- 9 Any issues or queries regarding this Minute, should be directed to the Council's Regulatory Administrator, Lindsey Crazy Wolf, phone (03) 2090330 or email lcrazywolf@goredc.govt.nz.



Keith Hovell
Chair, District Plan Hearing Panel
Under delegated authority